

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-3, drawn to a prolylendopeptidase-inhibitive agent comprising an extract of a cereal grain as an active component;

Group II: Claims 4-7, drawn to a method for preparing a prolylendopeptidase-inhibitive agent comprising extracting a cereal grain with water, organic solvent, or mixtures thereof;

Group III: Claim 8, drawn to a compound of formula (II);

Group IV: Claims 9-11, drawn to a method of preparing a compound of formula (II) comprising extracting a cereal grain and then isolating the compound from the extract;

Group V: Claims 12-13, drawn to a prolylendopeptidase-inhibitive agent comprising the compound according to Claim 8 as an active component;

Group VI: Claims 14 and 16, drawn to a germinated brown rice comprising prolylendopeptidase-inhibition activity;

Group VII: Claim 15, drawn to food product comprising the germinated brown rice according to claim 14;

Group VIII: Claims 17-18, drawn to a method of preventing, reducing, treating, resting or alleviating cerebral dysfunction in a human or animal comprising administering the food product according to Claim 13 to a human or animal in which said preventing, reducing, treating, arresting, or alleviating is intended; and

Group IX: Claims 19-20, drawn to a method of preventing, reducing, treating, arresting, or alleviating cerebral dysfunction in a human or animal comprising administering the food product according to Claim 13 to a human or animal in which said preventing, reducing, treating, arresting, or alleviating is intended.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. M.P.E.P. §803.

Applicants respectfully traverse the requirement for restriction on the grounds that the Office has not provided adequate reasons and/or examples to support a conclusion of patentable distinctness between the identified groups.

The Office states that the inventions of Groups I-IX “do not relate to a single general inventive concept under PCT Rule 13.1 because Applicant has presented multiple inventions for prosecution on the merits.” The Office then concludes that because multiple inventions have been presented, “the claimed groups of inventions are not so linked as to form a single general inventive concept under PCT Rule 13.1.” In other words, the Office appears to argue that PCT Rule 13.1 does not permit the presentation of multiple inventions, and if multiple inventions are presented, they, *ipso facto*, lack a single general inventive concept. Applicants respectfully disagree with this interpretation of PCT Rule 13.1. PCT Rule 13.1 states that a “group of inventions so linked as to form a single general inventive concept” (emphasis added) may be presented in an international application. Thus, Rule 13.1 expressly permits the presentation of multiple inventions in an international application, provided the multiple inventions are “so linked as to form a single general inventive concept”. Furthermore, the Office has failed to provide any arguments, whatsoever, in support of its allegation that the claimed inventions lack “a single general inventive concept under PCT Rule 13.1.” Instead, the Office has merely stated a conclusion. Since the Office has incorrectly interpreted PCT Rule 13.1, and provided no arguments as to why the claimed inventions lack a single general inventive concept, Applicants respectfully submit that the Requirement for Restriction is improper, and respectfully request that it be withdrawn.

Finally, M.P.E.P. §803 states:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction. Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, an early notice thereof is earnestly solicited.

Respectfully submitted,

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